

ARTICLE 4 DEVELOPMENT METHODS

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SECTION 4.0 OVERVIEW

This Bylaw permits four (4) methods which may be utilized to develop land for residential purposes where such Uses are permitted in Section 3.3. The four methods are:

Conventional Residential Subdivision Development;
Cluster Development;
Planned Unit Residential Development (PURD); and
Open Space Community Development (OSCD)

In order to ensure development which is compatible with the Purposes and Intent of this Bylaw, the four Development Methods shall comply with the General Development Standards set forth in Section 4.1, and the applicable Standards set forth in Sections 4.32 and 4.42.

The Zoning Districts in which the four Development Methods may be used are indicated in Table 2. Nonresidential zoning districts are not included in Table 2 because the four Development Methods described in this section apply only to residential development.

The abbreviations used in the Table are defined as follows:

Y	=	Yes	The Development Method is permitted by right.
N	=	No	The Development Method is not permitted in the zoning district.
SP	=	SPECIAL PERMIT	The Development Method is permitted if a special permit is issued by the Board of Appeals.
SPP	=	SPECIAL PERMIT, PLANNING BOARD	The Development Method is permitted if a special permit is issued by the Planning Board.

TABLE 2
DEVELOPMENT METHODS

BYLAW NUMBER	METHOD	ZONING DISTRICTS					
		<u>R-LD</u>	<u>R-O</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>
4.2	CONVENTIONAL RESIDENTIAL SUBDIVISION DEVELOPMENT	Y	Y	Y	Y	Y	Y
4.3	CLUSTER DEVELOPMENT	SPR	SPR	SPR	SPR	SPR	N
4.4	PLANNED UNIT RESIDENTIAL DEVELOPMENT	N	SP*	SP*	SP	SP	N
4.5	OPEN SPACE COMMUNITY DEVELOPMENT	SPP	SPP	SPP	SPP	SPP	N

* Applies only to those areas included in an overlay district called "PURD DISTRICT" as shown on the Official Zoning Map; otherwise, not permitted.

SECTION 4.1 GENERAL DEVELOPMENT STANDARDS

The four Development Methods listed in Section 4.0, Overview, shall be undertaken in accordance with the following General Standards:

- 4.10 All Developments in the Town shall conform to the Design Standards and Required Improvements set forth in the Rules and Regulations Governing the Subdivision of Land, the Street and Site Work Construction Standards of the Town, and all other applicable Town roadway and utility policies and regulations, as amended.
- 4.11 Where building lots are required or proposed, lot frontage shall be on existing or proposed minor or secondary streets, whether public or private statutory ways, as such streets are defined by the Amherst Planning Board's Rules and Regulations Governing the Subdivision of Land.
- 4.12 If the calculation of maximum density of lots or units for any development method referencing this section results in a figure including a fraction equal to 0.5 or greater, then the figure shall be rounded up to the nearest whole number. If the fraction is less than 0.5, the figure shall be rounded down to the nearest whole number. Dimensional requirements established for building lots in the applicable zoning district(s) and under the applicable development method shall remain in full force and effect, and shall not be altered by the provisions of this section.

SECTION 4.2 CONVENTIONAL RESIDENTIAL SUBDIVISION DEVELOPMENT

Conventional Residential Subdivision Development includes any subdivision of land, as defined in the General Laws, Chapter 41, to be developed for residential purposes.

SECTION 4.3 CLUSTER DEVELOPMENT

4.30 General Description

A "Cluster Development" shall mean a residential development in which the building and accessory uses are clustered together with reduced lot sizes, into one or more groups. The land not included in the building lots shall be permanently preserved as open space.

4.31 Purpose

It is intended that a Cluster Development be developed as an entity by a landowner, or association of adjacent landowners, in which an alternative pattern of development may be permitted by which the following benefits are likely to be gained:

- 4.310 Economical and efficient street, utility, and public facility installation, construction, and maintenance.
- 4.311 Efficient allocation, distribution, and maintenance of common open space.
- 4.312 Land use harmonious with the natural features.
- 4.313 Compatibility with the character of the surrounding residential areas.
- 4.314 Efficient use of land to increase the options for affordable housing.
- 4.315 Housing development which allows for integration of a variety of housing types within one project.
- 4.316 Protection of natural resources, including but not limited to aquifers, wetlands and farmland.

4.32 Use and Dimensional Standards

- 4.320 A one-family detached dwelling, a zero lot line single family dwelling, a two-family detached dwelling (duplex), or attached dwellings, or other lawful accessory building may be constructed

on certain lots in a Cluster Development (as herein defined and limited) although such lots have less area, frontage, and/or rear and side yard dimensions than normally required.

- 4.321 The total area of land included within the development shall be five (5) acres or more.
- 4.322 In all cluster developments, a minimum of 50 percent of the total lots shall be reduced at least 25 percent in area from the minimum standard lot size requirement of the zoning district in which the parcel is located.
- 4.323 Density/Setbacks
- 4.3230 Unless otherwise provided for, the Dimensional Regulations of Table 3 shall be complied with.
- 4.3231 The maximum density of a cluster subdivision, except for an affordable cluster, shall not exceed the allowed density for a standard subdivision in any zoning district, said density to be calculated by taking the parcel area, subtracting 10% of that area and dividing that number by the minimum lot area of the zoning district in which the parcel is located. See Section 4.12. In addition, it is the intention of this Section that the cluster subdivision not result in more lots than would be approved for a standard subdivision under a Definitive Subdivision Plan, except as may otherwise be authorized under this Bylaw.
- 4.3232 The Planning Board may reduce the frontage requirements for not more than 50 percent of the lots in the subdivision.
- 4.324 Zero lot line units are allowed in accordance with Section 4.320. A side yard need not be provided on that side of a dwelling unit that shares a party wall or double wall with an adjacent dwelling unit.
- 4.325 A minimum of 40% of the total dwelling units shall be single-family dwellings. A minimum of 20% of the total dwelling units shall be non-zero lot line, single family dwellings. A maximum of 60% of the dwelling units may be two-family dwellings. A maximum of 30% of the total dwelling units may be attached dwellings, There shall be no more than eight attached dwelling units allowed in one building.
- 4.326 The entire development shall be serviced with public sanitary sewer system, except in the ARP and WP districts associated with the Lawrence Swamp Aquifer, and in the FC District. In these districts, the Board of Health may, in accordance with state and local health regulations, authorize individual and/or shared septic systems in Cluster Developments where public sanitary sewer service is not reasonably available.
- 4.327 FC District
- In the FC District, dimensional regulations for Cluster Developments shall be as follows:
- 4.3270 The maximum number of building lots shall be calculated as follows:
1. Determine the Net Parcel Area by subtracting 50% of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, FPC District and 100-year floodplain areas. 100-year floodplain areas shall consist of those areas so identified on federal flood insurance maps.
 2. Subtract 10 percent of the resulting Net Parcel Area for road allowance.
 3. Divide the remaining 90 percent of the Net Parcel Area by the Basic Minimum Lot Area for the underlying zoning district. The resulting figure shall be the maximum number of building lots allowed in the Cluster Development.

4.3271 In the FC overlay district, the Basic Minimum Lot Area for the underlying zoning district shall be used only for determining the maximum number of building lots possible in a Cluster Development and for determining the amount of common land to be provided. Otherwise, all dimensional regulations for Cluster Developments in the FC District shall be the same as those specified in Table 3 for Cluster Developments in the R-N District, except as noted in Sections 4.3272 and 4.3273.

4.3272 In addition to the dimensional regulations specified in Table 3, there shall be a maximum lot area for cluster lots as follows:

Cluster Maximum lot area	20,000 sq. ft.
Cluster flag lot max.	30,000 sq. ft.

4.3273 A 40 foot buffer zone of open space and/or common land shall be provided along any edge of the residential portion of a Cluster Development which abuts adjacent or on-site farmland.

4.33 Affordable Units

4.330 The Planning Board may authorize a greater number of building lots than would be allowed by the density requirements of Section 4.3231 or Section 4.327 only if a minimum of 10% of the total dwelling units in the development are affordable units as herein defined. In no event shall the Board authorize a greater number of building lots than 120% of the maximum number of lots otherwise allowed under the applicable development method. For the purpose of this calculation, 10% of the total parcel size shall be subtracted for road allowance prior to calculating the maximum density normally allowed. See Section 4.12.

4.331 Attached units shall only be allowed in cluster developments that include affordable units.

4.332 For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3.

	<u>R-LD</u>		<u>R-O</u>		<u>R-N</u>		<u>R-VC</u>	
	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached
Cluster Minimum Lot Areas (sq. ft.)	25,000	25,000	15,000	15,000	10,000	10,000	7,500	7,500
Additional Lot Area/Family (sq. ft.)		10,000		6,000		4,000		2,500
Lot Frontage (ft.)	100*	100*	100*	100*	80*	80*	60*	60*
Minimum Front Setback (ft.)	20*	20*	20*	20*	15*	15*	10*	10*
Minimum Side/Rear Setback (ft.)	15*	15*	15*	15*	15*	15*	10*	10*
Maximum Building Coverage (%)	10*	10*	15*	15*	20*	25*	25*	30*
Maximum Lot Coverage (%)	15*	15*	25*	25*	30*	35*	40*	45*

*May be modified by the Planning Board by Special Permit.

4.333 Affordable housing units are those which may be rented or purchased by those who meet the guidelines for maximum annual income for a low-income or moderate-income family or household. The income limit for "low income" shall be 80% of the median income for Amherst, and the income limit for "moderate income" shall be 120% of median income for

Amherst. Median income for Amherst will be as calculated by the U.S. Department of Housing and Urban Development, or any successor agency, and shall be adjusted for family size.

- 4.334 The applicant shall establish such restrictions, conditions, and/or limitations as are necessary to ensure that the units required for low-and moderate-income households will be permanently available for ownership, and available for a minimum of twenty years in the case of rental housing.
- 4.335 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the intent of these regulations are met.
- 4.336 Affordable housing units shall be geographically dispersed throughout the development.

4.34 Common Land Standards

The total area of Common Land shall equal or exceed the sum of the following:

- 4.340 The area by which all single-family dwelling lots are reduced below the basic minimum lot area normally required in the zoning districts.
- 4.341 The area by which all two-family dwelling lots are reduced below the minimum lot area normally required in the zoning districts for a two-family dwelling.
- 4.342 Projects that contain attached dwellings shall provide common land in accordance with the following formula: Subtract from the total parcel area the sum of a) and b), with a) being the area devoted to roads or rights-of-way and b) being the total area of all building lots. The remaining area shall be common land.
- 4.343 Land within the FPC District may be used to fulfill up to 60% of the Common Land requirements in Cluster Developments.
- 4.344 Within the common land provided in the Cluster Development, at least 2000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, roadway, sidewalk area, land within the FPC District or Wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as contiguous open space available for play, tot lots, gardens, hiking/jogging trails, tennis courts, or similar facilities.
- 4.345 In the FC District, all Common Land in a cluster development not set aside as usable open space for active and/or passive recreation shall be set aside as farmland as provided for under Section 4.351.

4.35 Common Land Ownership

- 4.350 Except in the WP, ARP and FC districts, all common land hereunder shall either (1) be conveyed to the Town of Amherst and be accepted by it for park or open space use, or (2) be conveyed to a non-profit organization, the principal purpose of which is the conservation of open space, (3) be conveyed to a corporation or trust owned or to be owned by the owners of the lots or residential units within the development, or (4) be conveyed to a private, non-profit or public entity for the purposes of farming, with a restriction enforceable by the Town of Amherst being recorded which provides that such land shall either be actively farmed or kept in an open and natural state, If such a corporation or trust is utilized, as indicated herein, ownership thereof shall pass with conveyances of the lots or residential units. Under the second and third ownership alternatives listed above, a restriction enforceable by the Town of Amherst shall be recorded providing that such land shall be kept in an open or natural state and not be built upon for residential use or developed for accessory uses such as parking or roadway.
- 4.351 In the WP, ARP and FC districts, the Common Land and all Unbuildable Land Area (hereinafter within this section collectively referred to as "Common Land") in a residential development shall be preserved as open space. Said Common Land shall be kept in an open or

natural state, or as active farmland, and shall be used and managed so as to protect public water supplies (in the WP and ARP districts) and/or to preserve farmland and related accessory resource-based land uses (in the FC District, and in the WP and ARP districts where appropriate). Common Land shall not be built upon for residential use or developed for accessory uses such as parking or roadway.

4.351.0 Title to this Common Land may remain with the original owner or another individual or entity (hereinafter "owner"), or may be conveyed to the Town of Amherst, the Commonwealth of Massachusetts, a corporation or trust functioning as a homeowners' association, or a non-profit trust or similar conservation organization whose principal purposes include the protection of water quality and/or the preservation of farmland and related accessory resource-based land uses, as appropriate.

4.351.1 The applicant shall submit a management plan detailing the future use and management of the Common Land. Review and approval of the management plan shall be a condition of the Site Plan Review approval.

4.352 The location, size, and shape of common land shall be subject to the approval of the Planning Board if such land is to be conveyed to the Town.

4.36 Review and Approval Process

4.360 Approval shall be by Site Plan Review by the Planning Board, in accordance with the standards set forth in Section 11.2 and 11.3, with the purposes of Cluster Development as set forth in Sections 3.28 and 4.31, as applicable, and with the design requirements of Section 3.285 and 4.38, as applicable.

4.361 Subsequent approval by the Planning Board of such portions of a Cluster Development as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A favorable action which may be made by the Planning Board on a Site Plan Review application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that such approval will be given.

4.37 Flood-Prone Conservancy

Each application for a Cluster Development containing land within the Flood-Prone Conservancy district shall be accompanied by an additional set of plans and documents. Within ten days after receipt of the application the Planning Board shall transmit a copy thereof to the Conservation Commission which said Commission may, in its discretion, investigate the proposed development and report in writing its recommendation to the Board. The Planning Board shall not take final action on approval until it has received a report thereon from the Conservation Commission or until said Commission has allowed 35 days to elapse after receipt of such application without submission of a report.

4.38 Cluster Development Design Requirements

4.380 Vehicular and Pedestrian Circulation: primary routes shall be clearly differentiated from secondary routes and driveways; conflicts shall be minimized between vehicular routes and pedestrian routes and recreation areas.

4.381 Screening and Buffers: layout and design shall respond to needs for privacy between and around dwelling units; no structures shall be placed closer to the project property line than the front setback requirement for that zoning district.

4.382 Common Land: the majority of the common land shall consist of large blocks of contiguous areas easily accessible to most residents of the development from streets, cul-de-sacs and other open areas and links between different sections of common land shall be clearly shown; physical and visual access to the common land from the dwelling units shall be maximized, the preservation of the original landform and existing vegetation shall be maximized.

- 4.383 Utilities and Services: dumpsters shall be located in convenient locations, visually screened, and shall not impede pedestrian or vehicular circulation; the installation and location of drainage systems shall not impede access to common land.
- 4.384 Protection of Environmentally Sensitive Areas: the Board may reduce the number of lots otherwise allowed for the protection of aquifers, wetlands or other environmentally sensitive areas.
- 4.385 Building Siting: the Planning Board may review and approve the sites of all buildings, structures, driveways and parking areas for each lot and may establish building envelopes for all buildings within a cluster subdivision.

SECTION 4.4 PLANNED UNIT RESIDENTIAL DEVELOPMENT

4.40 General Description

Planned Unit Residential Development shall mean a mixed use development on a plot of land containing a minimum of 134,500 square feet in which a mixture of residential, open space, and such other uses, and a variety of building types, as may be permitted hereunder which are determined to be sufficiently advantageous to render it appropriate to grant special permission to depart from the normal requirements of the district to the extent authorized by this Bylaw.

4.41 Purpose

It is intended that a Planned Unit Residential Development be a subdivision to be developed as an entity by a landowner which does not correspond in lot size, bulk or type of dwelling, density, intensity of development, or required open space to the regulations in any one other district established by this Zoning Bylaw. The major purpose of the Planned Unit Residential Development, in addition to the purposes governing this Bylaw as stated in Article 1, is to provide for a mixture of housing types at certain locations and in certain districts in the Town at a greater density than would normally be allowed in each district without detracting from the livability and aesthetic qualities of the environment. A Planned Unit Residential Development should result in:

- 4.410 Economical and efficient street, utility, and public facility installation, construction, and maintenance,
- 4.411 A variety of housing types and characteristics appropriate to various social and economic groups,
- 4.412 Efficient allocation, distribution, and maintenance of common open space,
- 4.413 Land use harmonious with the natural features and,
- 4.414 The development of real property values for the long range future.

4.42 Use and Dimensional Standards

4.420 In a Planned Unit Residential Development the following uses shall be permitted:

- 4.4200 One-family dwelling
- 4.4201 Two-family or semi-detached dwelling
- 4.4202 Townhouses
- 4.4203 Multiple-family dwelling
- 4.4204 Nursery or Kindergarten
- 4.4205 Place of worship

4.4206 Public educational use

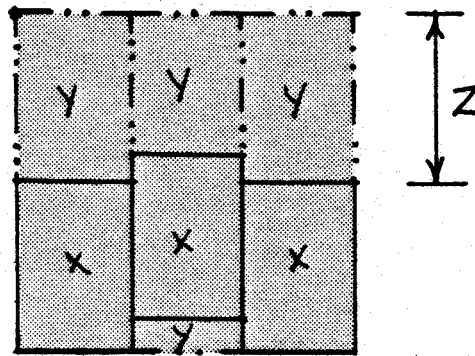
4.4207 Governmental use

4.421 In a Planned Unit Residential Development the following requirements relating to the density and intensity of land use shall be met:

4.4210 Separate lots for single family dwellings shall be permitted, but are not required. If provided, the lot area shall be three quarters of the minimum lot area required for the applicable Zoning District in Table 3. If not provided, the same calculation shall be used per lot to determine the maximum density allowed for the single family units.

4.4211 Separate lots for duplex dwelling units shall be permitted, but are not required. If provided, the lot area shall be three-quarters of the minimum lot area, plus the additional minimum area per family required for the applicable Zoning District. If not provided, the same calculation shall be used per lot to determine the maximum density allowed for the duplex dwelling units.

4.4212 Separate lots for townhouses shall be permitted but are not required. If provided, the lot area for each unit shall be not less than two times the footprint of the unit, and shall include the area of the footprint of the unit. In no case shall any property line of the lot extend further from the unit than a distance in linear feet, that is numerically equivalent to 10% of the area, in square feet, of the footprint of the unit.



x = Footprint of the townhouse

y = Lot area (2x) of the townhouse (includes footprint)

z = Distance of lot line from the townhouse (maximum 10%, in linear foot equivalent, of the area of the townhouse footprint)

4.4213 For townhouses, with or without separate lots, and for multi-family units, two times the minimum additional lot area per family for the applicable Zoning District shall be used to calculate the maximum density allowed in the PURD for these units.

4.4214 There shall be no frontage requirements in the PURD.

4.4215 Maximum height of structures: as regulated in Table 3.

4.4216 Minimum setback and rear/side yards pertaining only to the periphery of the Planned Unit Residential Development: equal to the requirements in each district as shown in Table 3. If separate full size lots are created, the minimum setback and side yards shown in Table 3 for the applicable Zoning District shall be provided. Dimensional regulations for all undersized single family and two family lots shall conform to the required regulations for the R-G District found in Table 3.

- 4.4217 Within the open space area provided in the PURD, at least 1,000 square feet per dwelling unit must be usable open space for active and passive recreation. Such space shall not include parking space, laundry drying area, required yards, land within the FPC District or wetlands as determined by the Conservation Commission. Usable open space shall be defined to include such facilities as contiguous open space available for play, tot lots, gardens, hiking/jogging trails, tennis courts, or similar facilities.
- 4.4218 Maximum percentage of dwelling units of any one type of permitted housing: 75%.
- 4.4219 Minimum parking requirements: as regulated in Article 7 of this By-Law.
- 4.4220 Not more than fifty percent of land within the FPC District and wetlands as determined by the Conservation Commission shall be used to fulfill the density requirements for the PURD notwithstanding Section 6.5.

4.43 Common Land Ownership

Open space or common land shall be assured and maintained in accordance with the procedures prescribed in Section 4.35 of this Bylaw.

4.44 Review and Approval Process

In addition to the requirements specified in Section 10.3, Special Permit, of this Bylaw and Section 9, Chapter 40A of the General Laws, the following procedures shall be required for the presentation of a Planned Unit Residential Development plan:

- 4.440 The proposed development shall be in harmony with the Master Plan of the community, if any, as prepared and amended by the Planning Board.
- 4.441 The development plan shall specify reasonable periods within which development of each section of the Planned Unit Residential Development may be started. Deviation from the required amount of usable open space per housing unit may be allowed, provided such deviation shall be adjusted for in other sections of the Planned Unit Residential Development.
- 4.442 Subsequent approval by the Planning Board of such portions of the development as constitute a subdivision will be required as set forth in the Subdivision Control Law, including approval of the street and utility systems. A favorable recommendation by the Planning Board that the Special Permit be issued shall not, therefore, be deemed to either constitute subdivision approval under the Subdivision Control Law or the Subdivision Rules and Regulations of the Planning Board, nor imply that such approval will be given.

4.45 Flood Prone-Conservancy

Each application for a PURD containing land zoned Flood Prone-Conservancy shall be accompanied by an additional set of plans. Within ten days after receipt of the plan, the Board of Appeals shall transmit a copy thereof to the Conservation Commission, which said Commission may, in its discretion, investigate the proposed development and report in writing its recommendations to the Board of Appeals.

- 4.46 The Board of Appeals shall not take final action on application for a Special Permit hereunder until it has received a report thereon from both the Planning Board and Conservation Commission, or until said Planning Board and Conservation Commission have allowed 35 days to elapse after receipt of such plan without submission of a report.

SECTION 4.5 OPEN SPACE COMMUNITY DEVELOPMENT

4.50 General Description & Purpose

An Open Space Community Development (OSCD) shall mean a principally residential development located on contiguous land and including dwelling units and accessory facilities owned individually and/or in common. In comparison to Conventional Residential Subdivision Development, an Open

Space Community Development (OSCD) shall allow a mix of housing types and may allow the concurrent development of selected non-residential uses compatible with and supportive of the residential development. An OSCD may allow organized groups of households to construct dwelling units and common facilities for their collective and individual ownership and use. It is intended that an Open Space Community Development (OSCD) be a Development Method that is flexible in nature and allows for modification of lot size, bulk or type of dwelling, density, intensity of development, or required open space in the regulations of any district established by this Zoning Bylaw, so as to result in patterns of land use that are more compact and more efficiently laid out on a smaller area of a site, while preserving more open space and other natural and cultural features elsewhere.

Land not used for residential, approved non-residential or accessory purposes shall be permanently preserved as open space according to the methods hereinafter described.

It is expected that the following benefits may be gained through use of this Development Method:

- 4.500 Compact, economical and efficient layout, installation, construction and maintenance of buildings, streets, utilities and public facilities.
- 4.501 Efficient allocation, distribution and maintenance of common public and private open space.
- 4.502 Land development and uses that are harmonious with and which conserve, protect and enhance:
 - 4.502.0 Natural resources of the land, including critical resource areas such as wetlands, floodplains, wildlife habitat, greenbelts and farmland.
 - 4.502.1 Traditional resource-based land uses and practices, including farming, logging, aquaculture, and similar uses in order to preserve the cultural heritage of such uses in Amherst, as well as the traditional land development patterns and recreational opportunities resulting from and enabled by these traditional resource-based land uses.
 - 4.502.2 Historical and archeological resources, including buildings, structures, sites and materials.
- 4.503 Efficient use of land so as to increase the options for and the supply of affordable housing.
- 4.504 Housing development that allows for integration of a variety of housing types, including handicapped accessible housing, appropriate to various social and economic groups within any given development project.

4.51 Use Standards

- 4.510 The following Principal uses shall be permitted in an Open Space Community Development (OSCD):
 - 4.5100 One-family detached dwelling
 - 4.5101 Two-family or semi-detached dwelling
 - 4.5102 Subdividable dwelling
 - 4.5103 Buildings or structures comprised of multiple dwelling units, as permitted under Section 4.534.
 - 4.5104 Kindergarten, day nursery or other facility for the day care of children.
 - 4.5105 If allowed in the underlying zoning district(s), buildings containing dwelling units in combination with stores or other permitted business or commercial uses (Section 3.325), where the Special Permit Granting Authority finds that, in addition to meeting the provisions of Section 10.38, the proposed use provides goods and/or services which will

appropriately serve the households in the proposed residential development and the surrounding neighborhood.

- 4.511 The following aggregated accessory uses and facilities shall be permitted in an OSCD:
 - 4.5110 Community building or common house including meeting rooms, kitchen and dining facilities for the use of residents and guests.
 - 4.5111 Library
 - 4.5112 Laundry
 - 4.5113 Place of meditation or worship
 - 4.5114 Office space
 - 4.5115 Workshop/studio/trades building
 - 4.5116 Other shared or common facilities for maintenance and other ancillary purposes serving the residential community.
- 4.52 Density Standards
 - 4.520 The maximum density allowed in an Open Space Community Development shall be calculated as follows:
 1. Determine the Net Parcel Area by subtracting 75% of the area of all Unbuildable Land Area from the total parcel acreage. Unbuildable Land Area shall consist of the combined acreage of all wetlands, FPC District and 100-year floodplain areas. 100-year floodplain areas shall consist of those areas so designated on federal flood insurance maps.
 2. Subtract 8% of the Net Parcel Area for roadways, parking and utilities.
 3. Divide the remaining buildable land area by the minimum lot area required in the applicable zoning district(s).
 4. Multiply the resulting lot count by 1.2 (120%) to derive the maximum density. See Section 4.12.
 5. Where no lots are to be provided in an OSCD, the maximum density resulting from this calculation shall serve as the total base dwelling unit count.
 - 4.521 See Section 4.55 for density bonus provisions.
- 4.53 Dimensional Standards
 - 4.530 Separate lots for residential dwellings shall be permitted, but are not required. If provided, the lots shall meet or exceed the minimum lot area requirements for cluster subdivisions for the applicable zoning district(s).
 - 4.531 Where individual building lots are proposed, frontage need not be provided on an established way, nor shall the rear and side yard setbacks in Table 3 apply, except that non-zero lot line buildings shall be separated as required by applicable fire and building codes.
 - 4.532 For buildings containing no more than two dwelling units, zero lot lines shall be allowed in an OSCD, and side yards need not be provided on that side of a dwelling unit that shares a party wall or double wall with an adjacent dwelling unit. Where zero lot lines are proposed, maintenance easements and covenants shall be provided to ensure access for maintenance and utility repairs or replacement.

- 4.533 Single-family dwelling units shall not comprise more than 50% of the total number of dwelling units.
 - 4.534 Up to four (4) dwelling units may be allowed in a single building in the R-N District. In other Residence districts, the number of units per building shall be as provided in the bylaw.
 - 4.535 Front setbacks shall be observed for the applicable zoning district(s), but the Special Permit Granting Authority may modify lot frontage and side and rear setback requirements to meet the needs of the development and public safety. Buildings shall be separated as required by applicable fire safety and building codes.
 - 4.536 A buffer zone of private property, common land and/or usable open space for active or passive recreation shall be provided along any edge of the residential portion of an OSCD that abuts adjacent or on-site farmland, in accordance with Sections 3.2855 and 3.2856.
- 4.54 Sanitary Sewer
- 4.540 The entire development shall be connected with the public sanitary sewer system, except that where such sewer connection is not reasonably available, the Board of Health may, in accordance with state and local health regulations, authorize development of and connection to a package sewage treatment plant, or individual or shared septic systems. The option of individual or shared septic systems shall not be available in the Aquifer Recharge Protection (ARP) or Watershed Protection (WP) overlay districts.
- 4.55 Density Bonuses
- It is the intention of this bylaw to encourage the provision of both affordable and handicapped accessible housing. Toward that end, where affordable and/or accessible units are proposed, additional housing units may be added to an OSCD above and beyond the maximum density provided for under Section 4.520.
- 4.550 Affordable Units
- 4.550.0 In any OSCD that includes affordable dwelling units in accordance with Sections 4.333-4.334, the maximum density established under Section 4.520 may be increased by the number of affordable units proposed. Additional units allowed under this provision shall not exceed 20% of the maximum otherwise permitted under Section 4.520.
 - 4.550.1 Affordable units shall be geographically dispersed throughout the development, except that the Special Permit Granting Authority may, for compelling reasons of development function and site design consonant with the purposes of this Bylaw, allow such units to be clustered.
- 4.551 Accessible Units
- 4.551.0 In any OSCD that includes dwelling units fully handicapped accessible under the provisions of Massachusetts Architectural Access Board regulations (521 CMR), as amended, the maximum density established under Section 4.520 may be increased by the number of accessible units proposed, except that no accessible units may be counted as part of such a density bonus unless separate affordable dwelling units are also being provided. Additional accessible units allowed under this provision shall not exceed 10% of the maximum otherwise permitted under Section 4.520.
- 4.552 The combined additional number of affordable and accessible units allowed under this section shall not exceed 20% of the maximum otherwise permitted under Section 4.520.
- 4.553 Any dwelling unit which is both affordable and handicapped accessible shall, for purposes of calculating a density bonus under this section, be counted either as a single affordable unit or as a single accessible unit, but not both.

4.56 Common Land Standards

- 4.560 The following minimum percentages of total parcel area in an OSCD shall be retained as substantially undeveloped Common Land kept open and undeveloped for buildings, roadways and walkways, parking and utilities:

Zoning Districts

	<u>R-LD</u>	<u>R-O</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>
Minimum % Open Space	75	65	60	50	50

- 4.561 A minimum of 50% of the Common Land in an OSCD shall be upland exclusive of wetlands, FPC District and 100-year-floodplain.
- 4.562 Common Land shall be laid out in large, contiguous areas as appropriate to its natural or cultural characteristics and its proposed use(s), as set forth under Sections 4.35, 4.38 and 4.502.
- 4.563 Common land ownership shall be as provided for under Section 4.35.

4.57 Open Space Community Development (OSCD) Design Requirements

- 4.570 Within an Open Space Community Development (OSCD), a minimum of 2,000 square feet per dwelling unit shall be usable open space for active and passive recreation. Usable open space shall be defined to include contiguous open space developed and available for play areas, tot lots, gardens, off-road trails (including but not limited to hiking, jogging, bridle and bicycle trails, as well as those paths and easements which provide access or connection to such trails, regardless of location), ball or playing fields, basketball or tennis courts or similar facilities as are appropriate to the needs of the development. Usable open space shall not include parking areas, roadways, sidewalks or land within wetlands as determined by the Conservation Commission (except as hereinafter provided). Up to 40 percent of total usable open space may be located in an FPC District and/or wetlands, as appropriate to the intended recreation use(s), in accordance with the provisions of Section 3.22, and as permitted by the Conservation Commission.
- 4.571 The design requirements of Section 4.38, Cluster Development Design Requirements, shall apply to an OSCD.
- 4.572 For an OSCD within the FC district, the design requirements of Section 3.285 shall apply. For an OSCD outside of the FC District, the provisions of Sections 3.2850, 3.2853, 3.2854, 3.2857-3.2859 shall apply.
- 4.573 Vehicular access, internal circulation and related parking shall be located and designed so as to minimize their impact on adjacent residential uses outside the OSCD.

4.58 Review and Approval Process

- 4.580 At the time of application for a Special Permit under this section, a minimum of thirty percent (30%) of the total dwelling units in an OSCD shall be under agreement for conveyance to parties who will occupy said dwelling units. At the time of occupancy of the first unit, and thereafter, a majority of the total dwelling units in an OSCD shall be owner-occupied, as defined under Article 12. Said requirement shall be enforced through covenants in homeowners or condominium association agreements, or similar documents, the review and approval of which documents shall be a condition of permit approval. The express intent of these provisions is to encourage the early and continuing involvement of residents in the design, development and management of an OSCD. These requirements shall be ongoing and shall be made a condition of the Special Permit.
- 4.581 The Special Permit Granting Authority for an Open Space Community Development (OSCD) shall be the Planning Board, in accordance with the provisions of Section 10.3, the purposes, standards and requirements of Section 4.5, and such other requirements of this bylaw as may be applicable.
- 4.582 Subsequent approval of such portion(s) of an OSCD as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A

favorable action which may be made by the Planning Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that subdivision approval will be granted.

- 4.583 Each application for an Open Space Community Development (OSCD) containing land within the Flood-Prone Conservancy (FPC) District shall be accompanied by an additional set of plans and documents for transmittal to the Conservation Commission. Within ten (10) days of receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. The Commission shall, at its discretion, investigate the proposed development and report in writing its recommendations to the Planning Board within 35 days of the date of application. The Planning Board shall not take final action on approval of the application until it has received a written report from the Conservation Commission or until the 35 day period has passed without receipt of such a report.